

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter:)	
)	
MIDWEST GENERATION, LLC,)	
)	
Petitioner,)	
)	
v.)	PCB 2018-058
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent,)	

NOTICE OF FILING

TO: Don Brown, Clerk of the Board
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)

(SEE PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board a **Response to Hearing Officer Order**, dated May 9, 2018, on behalf of the Illinois Department of Natural Resources, an Interested Party. a copy of which are herewith served upon you.

Respectfully submitted,

ILLINOIS DEPARTMENT OF NATURAL RESOURCES,

By: *Virginia J. Yang*
 Virginia J. Yang,
 Legal Counsel (4-300)
 James R. Thompson Center
 Chicago, Illinois 60601
Virginia.yang@illinois.gov

Dated: May 15, 2018

Illinois Department of Natural Resources
Office of Legal Affairs
One Natural Resources Way
Springfield, Illinois 62702-1271
217-782-1809 (general)
312-793-1012 (direct)

CERTIFICATE OF SERVICE

I, Virginia I. Yang, Legal Counsel for the Illinois Department of Natural Resources, herein certify that I have served a copy of the foregoing Response to Hearing Officer's Order, dated May 15, 2018, via electronic mailing upon:

Dan Brown
Clerk of the Board
Illinois Pollution Control Board
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Chicago, IL 60603
Dan.Brown@illinois.gov

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Respectfully submitted,

ILLINOIS DEPARTMENT OF NATURAL
RESOURCES

By: 
Virginia I. Yang, Legal Counsel
James R. Thompson Center (4-300)
Chicago, Illinois 60601
Virginia.yang@illinois.gov

DATED: May 15, 2018
Illinois Department of Natural Resources
Office of Legal Affairs
One Natural Resources Way
Springfield, Illinois 62702-12

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RESPONSE TO QUESTIONS FROM HEARING OFFICER

NOW COMES the Illinois Department of Natural Resources (IDNR), an Interested Party to the above referenced proceedings, by and through one of its Attorneys, Virginia I. Yang, and submits the following Response to Questions from Hearing Officer, as stated in an Order dated May 9, 2018 as follows:

1. IDNR concurs with the conclusions in the IEPA's Recommendation on the BIC assessment contemplated by Section 106.1130(e)(4).
2. IDNR has reason to believe that the information provided by IEPA concerning MWG's Modification – for purposes of comparing the modification with the initially approved DPS and evaluating the modification of the DPS – is in the record. (See IEPA letter to MWG, dated 12/6/16.)
3. Based on IDNR recent discussions with IEPA, and IDNR review of IEPA letter to MWG, dated 12/6/16, IDNR concludes that the modification to MWG's DPS and the IEPA's Recommendation to approve the Petition is justified by IEPA's statements in said IEPA Letter to MWG concerning: 1) use of two years of data collected in 2015 and 2016 instead of waiting to collection 2017 data, and 2) use of one year of QHEI data instead of two years of QHEI data. (See IEPA letter to MWG, dated 12/6/16.)

WHEREFORE, Illinois Department of Natural Resources submits its Response to the Questions from the Hearing Officer regarding the MWG Petition for Approval of Alternative Thermal Effluent Limitations, as currently filed with the Illinois Pollution Control Board (IPCB 2018-58).

Respectfully submitted,

Illinois Department of Natural Resources

By: 
Virginia J. Yang, Legal Counsel
James R. Thompson Center (4-300)
Chicago, Illinois 60601
Virginia.yang@illinois.gov

DATED: May 15, 2018
Illinois Department of Natural Resources
Office of Legal Affairs
One Natural Resources Way
Springfield, Illinois 62702-1271

